

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-13, drawn to a precipitated silica and a process for preparing said precipitated silica.

Group II: Claims 14-18 and 20, drawn to an elastomeric blend, a vulcanized rubber blend, a vulcanizate, and a tire comprising the precipitated silica of claim 1, and an article comprising an elastomeric blend, a vulcanized rubber blend, or a vulcanizate comprising the precipitated silica of claim 1.

Group III: Claim 19, drawn to a vehicle comprising the tire of claim 15 and a body frame.

Applicants provisionally elect Group I, Claims 1-13, drawn to a precipitated silica and a process for preparing said precipitated silica, with traverse on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the three groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on its merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

As regards the election of species listed under A. and B. in the Office Action, Applicants elect a process wherein the acidifier and/or the water glass in steps b) and d) have the same concentration but a different metering rate in step d); and granulated precipitated

silica. The claims which are readable on the elected species are Claims 7, 8, and 9 (as well as Claims 1-6 and 10-13).

Applicants traverse this election requirement on the grounds that it is not justified. Process steps c) and d) which are recited in Claim 6 are optional steps which are not necessarily required in the process according to Claim 5. Example 1 of the present application describes a process according to Claim 5 in which neither step c) nor step d) is included. This election requirement, therefore, does not make sense because Claim 5 is broader than Claims 7-9.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

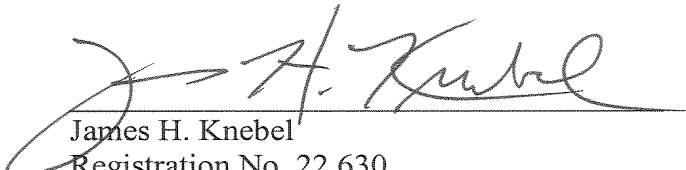
Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)



James H. Knebel
Registration No. 22,630